

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

SHARON HANNIBAL, O/B/O

S.L.W.,

Plaintiff,

v.

**JO ANNE B. BARNHART,
Commissioner,
Social Security Administration,**

Defendant.

Case No. 04-CV-863-PJC


ORDER

On January 17, 2006, this Court reversed the decision of the Commissioner and remanded this case for further administrative proceedings. No appeal was taken from this Judgment and the same is now final.

Pursuant to Plaintiff's application for attorney's fees (Doc. 21) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, and Defendant's response (Doc. 23), the parties have agreed that an award in the amount of \$3,496.40 for attorney's fees, for all work performed in this case is appropriate.

WHEREFORE, IT IS ORDERED that Plaintiff's counsel be awarded EAJA attorney's fees in the amount of \$3,496.40. If attorney's fees are also awarded under 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED THIS 12th day of April, 2006.



Paul J. Cleary
United States Magistrate Judge